

**BEFORE THE
FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON, D.C. 20554**

In the Matter of

ARKANSAS CABLE TELECOMMUNICATIONS
ASSOCIATION; COMCAST OF ARKANSAS,
INC.; BUFORD COMMUNICATIONS I, L.P. d/b/a
ALLIANCE COMMUNICATIONS NETWORK;
WEHCO VIDEO, INC.; COXCOM, INC.; and
CEBRIDGE ACQUISITION, L.P., d/b/a
SUDDENLINK COMMUNICATIONS,

Complainants,

v.

Entergy ARKANSAS, INC.,

Respondent.

EB Docket No. 06-53

EB-05-MD-004

FILED/ACCEPTED

JAN 25 2007

Federal Communications Commission
Office of the Secretary

To: Office of the Secretary
Attn: The Honorable Arthur I. Steinberg
Office of the Administrative Law Judge

**COMPLAINANT ACTA'S MOTION TO COMPEL PRODUCTION OF
DOCUMENTS AND ANSWERS TO INTERROGATORIES**

Pursuant to 47 C.F.R. §§ 1.243, 1.323 and 1.325, Complainant Arkansas Cable Telecommunications Association ("ACTA") hereby moves the Hearing Officer for an order compelling Entergy Arkansas, Inc. ("Entergy") to produce all documents and information responsive to Complainant Arkansas Cable Telecommunications Association's Second Set of Interrogatories (attached hereto as Exhibit A) and Complainant Arkansas Cable Telecommunications Association's Second Set of Document Requests (attached hereto as Exhibit B). Respondent

RECEIVED
JAN 25 2007

046

Entergy objects to ACTA's second set of discovery, on various grounds. Entergy's objections lack merit. See Responses to Complainant Arkansas Cable Telecommunications Association's Second Set of Interrogatories (attached hereto as Exhibit C) and Answers to Complainant Arkansas Cable Telecommunications Association's Second Set of Document Requests (attached hereto as Exhibit D). The information ACTA sought from Entergy is sufficiently narrow and highly relevant to the issues designated for hearing by the Hearing Designation Order filed by the Commission on March 2, 2006.

Further, in Entergy's response to ACTA's second set of document requests, served on January 18, 2007, Entergy states that it will produce or make additional documents available See Ex. D, at 5-7.¹ Nevertheless, in its General Objections, which are incorporated in each answer, it states, "EAI's responses below that it will produce certain documents in response to document requests should not be taken as representations that such documents exists but as an undertaking to locate and produce relevant, non-privileged documents, if they exist and can be found." Ex. D., at 3, ¶ 11.

Entergy's *noblesse oblige* responses are but the latest installment of the very conduct that gave rise to Complainant's Emergency Motion for Hearing Regarding Discovery Abuses ("Discovery Abuses Motion") filed January 5, 2007. While

¹ To date, ACTA has not received the additional documents nor has Entergy contacted ACTA regarding arrangements to view the documents it stated it would make available to ACTA. Entergy's refusal to timely produce the additional documents or information demonstrates the, at best, lethargic and casual response that Entergy has taken to its discovery obligations in this proceeding and its continuing approach of producing only those documents and information that supports Entergy's position.

Entergy's answers to interrogatories and responses to document requests are grossly deficient in a number of ways, the most egregious example of Entergy's continued obstruction is its answer to Interrogatory No. 3 and its response to Document Request No. 8, which is more fully explained below. ACTA's present motion should be evaluated and resolved together with Complainants' pending Discovery Abuses Motion. Good cause exists for this Motion, and in support thereof, ACTA further states as follows.

BACKGROUND

On December 19, 2006, Complainants served on Entergy's counsel, by hand delivery, Complainant Arkansas Cable Telecommunications Association's Second Set of Interrogatories and Complainant Arkansas Cable Telecommunications Association's Second Set of for Document Requests. On January 18, 2007, Entergy served answers to ACTA's interrogatories and document requests. Entergy provided general and specific objections but refused to provide substantive answers or documents to the discovery requests, particularly Interrogatories No. 2 and 3 and Document Requests No. 4 and 8. *See* Ex. C & D.

ARGUMENT

The Presiding Officer is vested with broad discretionary power in applying the discovery procedures set forth in Section 1.311 to 1.325. *See, e.g., Amendment of Part I, Rules of Practice and Procedure*, 91 F.C.C. 2d 527, ¶ 4 (1982); *In re Application of Jefferson Standard Broadcasting Co., Charlotte, N.C. for a Construction Permit*, 31 F.C.C.2d 756, 1970 WL 18355, *1 (1970). The Commission's rules set forth discovery procedures whereby parties may discover "any matter, not privileged, which is relevant to the hearing issues, including the existence, description, nature, custody, condition and location of any . . . documents . . ." 47 C.F.R. § 1.311(b) (emphasis added). Sections 1.323(c) and 1.325 (a)(2) of the Commission's procedures clearly provide that a party may move the Presiding officer for an order compelling discovery if a party fails to answer interrogatories or to produce documents requested, in whole or in part. *See* 47 C.F.R. §§ 1.323(c) and 1.325(a). Where the Presiding Officer finds that the information or documents requested are "patently germane, thus relevant, and not being in that class of privilege by precedent or tradition shielded from disclosure" the Presiding Officer shall order the information or documents to be produced. *See, e.g.,* 31 F.C.C.2d 756.

I. ENTERGY'S RESPONSES TO ACTA'S SECOND SET OF DISCOVERY ARE INADEQUATE AND EVASIVE

A. Entergy wrongly refuses to provide an answer to Interrogatory No. 3 and a response to Document Request No. 8.

Complainants simply seek the truth about why Entergy embarked on the onerous audit and costly inspection which is the focus of issue 2(b) of the Hearing Designation Order which states: "To determine whether Entergy's inspections and clean-up program was initiated in response to safety and reliability problems with Complainants' facilities." In addition, Entergy and its contractor USS have imposed standards that far exceed the National Electrical Safety Code ("NESC") and that—if applied—would require Complainants to replace or vacate huge numbers of Entergy poles across the State. Moreover, in a related proceeding, Entergy (and in state-court litigation) has unlawfully sought the removal of Comcast facilities from mixed-use transmission/distribution structures that connect Entergy Little Rock substations within the City. *See Comcast of Arkansas, Inc. v. Entergy Arkansas, Inc.*, File No. EB-06-MD-001 (filed Jan. 6, 2006); *see also Entergy Arkansas, Inc. v. Comcast of Arkansas, Inc.*, CV2006-132 (Ark. Cir. Ct. filed Jan. 6, 2006). This, among other things, would instantly make space available for Entergy's BPL network. Complainants, moreover, have ample reason to believe that Entergy is positioning itself to become a direct competitor with Arkansas cable operators in the provision of broadband services via BPL technology.

Not only does Entergy need to clear space on the poles to accommodate its BPL facilities and the fiber that is needed for a BPL rollout that, but Entergy needed to identify all transformer locations. Entergy has largely accomplished the

last of these tasks through the USS inspection program. What now may be coming to light is that Entergy unlawfully discriminated against Complainants in favor of its own competitive BPL project. This directly relates to Issue 6, which focuses on whether Entergy discriminated against Complainants and in favor of other communications companies. For these reasons, ACTA's request ties right to specific issues delineated in the HDO and, therefore, requires a complete response.

Entergy offered numerous general objections for not providing the information. However, these objections are neither accurate nor relevant. Nor do they relieve Entergy of its discovery obligations. ACTA's interrogatories and document requests seek to discover facts about Entergy's BPL initiative that are related to several issues that are central to the parties' claims and defenses. The information sought is sufficiently narrow and highly relevant to not only issue 2(b) (to determine whether Entergy's inspections and clean-up program was initiated in response to safety and reliability problems with Complainants' facilities), but also issues 2(e) (determine whether the costing model used by Entergy is unreasonable), 2(h) (determine whether the charges Entergy has sought to impose on Complainants for inspections, corrections, and/or clean-up of facilities are contrary to the parties' pole attachments agreements or otherwise unjust and unreasonable), not to mention the critical discrimination issue set forth at HDO Issue No. 6.

Interrogatory No. 3 asks Entergy to "describe in detail EAI's plans to provide Broadband Over Power Line ("BPL") service. Please include in your answer what steps Entergy has already taken to upgrade, change, and/or modify its plant to

accommodate the new service as well as dates of the upgrades, changes, and/or modifications.” Entergy responded, in addition to its general objections:

Objection. EAI objects to this interrogatory on the grounds that it is overly broad, unduly burdensome, and requests information neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Subject to and without waiving the above general and specific objections, EAI further responds as follows: The information sought by Complainant ACTA is not an issue designated for hearing and not related to the issues designated for hearing. The limited project involving BPL did not begin until the fourth quarter of 2006 well after the safety inspections had been performed by USS and safety violations had been reported to the Complainant cable TV operators.

Likewise, Document Request No. 8 requested Entergy to “[i]dentify and produce any and all materials related to Entergy providing Broadband Over Power Line (“BPL”) service.” Entergy responded:

Objection. EAI objects to this request on the grounds that it is overly broad, unduly burdensome, and requests information neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Subject to and without waiving the above general and specific objections, EAI further responds that the materials sought by Complainant ACTA is not an issue designated for hearing and is not related to the issues designated for hearing.

There is no merit to Entergy’s objections. Entergy’s response, furthermore, is disingenuous in the extreme for numerous reasons.

First, Entergy’s response is contrary to both statements its contractor made publicly regarding the BPL project and common sense. In its answer to Interrogatory No. 3, Entergy states that “[t]he limited project involving BPL did not begin until the fourth quarter of 2006 well after the safety inspections had been performed by USS.” Ex. C. However, in an article released January 23, 2007 in the

BPL trade press, Entergy's contractor PowerGrid's CEO Chris Britton reported that Entergy first put out "a request for information (RFI) . . . last summer - - looking for bids to deploy network solutions, services and applications" *Former American CEO joins PowerGrid: Entergy trial moves to rural Arkansas*, BPL TODAY, Jan. 23, 2007 available at <https://www.bpltoday.com/members/977.cfm> (attached hereto as Ex. E). Additionally, Britton stated, "[w]e worked with Entergy to take their corporate VOIP network - - an existing wide-area network - - and build it into the BPL network all the way down to the desktops." *Id.* (internal quotations omitted). This means the RFP went out in the *third* quarter of 2006 and that planning for that RFP likely was ongoing for months—if not years—prior to that.

"The firm sent a team of engineers to just about every BPL conference" *Entergy enters BPL world with Ambient pilot*, 24-7 PressRelease, Dec. 14, 2006 available at http://www.24-7pressrelease.com/view_press_release.php?rID=21928 (attached hereto as Exhibit H).

Complainants believe that Entergy's Troy Castleberry is head of the Entergy BPL initiative. He was one of the individuals who assisted in putting together responses to Complainants' first set of discovery requests. Perhaps most significantly, he was David Inman's boss when the decision was made to hire USS and during much of the USS' inspections. Moreover, he may have mined—for Entergy's sole benefit—the very data that USS collected and that that Entergy still is attempting to force Complainants to pay for.

Complainants have noticed Mr. Castleberry for deposition. The materials related to Entergy's BPL project are necessary for Complainants' to prepare for Mr. Castleberry's deposition. Entergy's BPL initiative and Entergy's BPL personnel are closely connected to this litigation and these materials must be produced without further delay. Entergy's continuing efforts to block Complainants' access to these materials is entirely consistent with its strategy to deprive Complainants of documents needed to conduct proper discovery and develop a proper record.

Second, Entergy also states that its BPL service is not relevant to issues in this proceeding because the roll out of service occurred "well after the safety inspections had been performed by USS and safety violations had been reported to the Complainant cable TV operators." Ex. C. However, common sense dictates that in order for a 2006 roll out to have occurred, planning and design of that installation must have been going on for some time—perhaps many years--before then. Despite Entergy's tired mantra that ostensibly "rampant" cable operator safety violations necessitated the harsh USS inspections, it is entirely possible that BPL had been plotting its BPL entry for years. This is directly related to the cited issues in the HDO and establishes a potentially anti-competitive motive.

Indeed, utilities like Entergy, and even this Commission, have framed BPL as a major competitive alternative to existing broadband networks, including those of cable operators. See 19 F.C.C.R. 21265, 2004 WL 2411391, *2 (Oct. 28, 2004). ("Because Access BPL capability can be made available in conjunction with

the delivery of electric power, it may provide an effective means for “last mile” delivery of broadband services and may offer a competitive alternative to digital subscriber line (DSL), cable modem services and other high speed Internet access technologies.”) (emphasis added). However, the potential downsides have been noted by important observers. In fact, since the beginning of BPL rulemaking in 2005, Commissioner Michael Copps has had concerns about pole owners’ abusing the pole resource to give their BPL ventures a leg up. *See id.* (“we see viable competition from multiple platforms including cable modem services, satellite, Wi-Fi, Wi-Max, and DSL. BPL provides us with a new potential competitor in the broadband market . . . [but] . . . issues such as . . . pole attachments, competition protections, and, critically, how to handle the potential for cross-subsidization between regulated power businesses and unregulated communications businesses remain up in the air. . . .”).²

Complainants’ discovery requests are reasonably calculated to lead to the discovery of admissible evidence related to issues designated for hearing. Complainants would suffer irreparable prejudice and harm as the record will be

² Moreover, Entergy’s Little Rock trial is one of three that Entergy is conducting—it is doing one in rural Arkansas and one in Baton Rouge (Entergy Louisiana). *See* Ex. E. BPL, without question, is (and may have been for some time) a major corporate initiative for Entergy; directly affects Complainants and the issues in this proceeding. Parallel with its BPL initiatives, Entergy has plans to locate a major data center in Little Rock and clearly is diversifying into the data and information business, possibly—some day—in competition with Arkansas cable operators. *See Entergy to locate data center in old downtown library*, Stephans Media Group, Dec. 13, 2006 *availble at* <https://stephansedia.com> (attached hereto as Exhibit G).

incomplete and skewed if Entergy is successful in withholding information regarding its BPL initiative.

B. Entergy's objections to Interrogatory No. 2 and Document Requests No. 4 lack merit and its answer and responses are inadequate.

Interrogatory No. 2 asks Entergy to "please state whether Entergy field inspectors had instructions to clear all violations on a pole or span as opposed to only addressing the plant conditions that the USS inspection specifically noted when Entergy field inspectors were sent to [the] field with Entergy violations that USS had detected." Entergy responded, in addition to its general objections:

Objection. EAI objects to this interrogatory on the grounds that it is overly broad, unduly burdensome, vague, unclear, and requests information neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Subject to and without waiving the above general and specific objections, EAI responds as follows: In addition to visual inspection of violations which EAI was responsible for correcting as reported by USS, engineering associates also report any other conditions observed by them related to EAI's electric facilities which required correction, regardless of whether a condition was located on any specific pole, pole span or distribution circuit.

Entergy's objections are ill-founded. Entergy claims Interrogatory No. 2 is vague and unclear, yet it answers the interrogatory (in a round about way). Also, Entergy asserts that it is unduly burdensome for Entergy to answer the interrogatory, but nevertheless, answers it despite that fact. Most important, however, Entergy's answer is evasive. A complete answer at the very least would have acknowledged whether or not Entergy provided instructions, which is all that the interrogatory sought, to its field personnel to check for and clear all violations on the pole or span. One possible inference from Entergy's answer is that Entergy field personnel may

have been instructed to turn a blind eye to additional problems with its plant. At a minimum, it is certainly a fair question to ask whether Entergy applied the same exacting scrutiny to itself that it applied to cable operators—which exacting standards led to state-wide permitting freezes for cable network expansions. Entergy’s responses also indicate that Mr. Darling was the only person who assisted in the preparation of these discovery responses. Can he alone really answer what instructions were given to Entergy’s field personnel?

Likewise, Document Request No. 4 requested Entergy to “[i]dentify and produce copies of all company organizational information including but not limited to organizational charts, a list of names, titles, contact information, and job descriptions and duties.” Entergy responded:

Objection. EAI objects to this interrogatory on the grounds that it is overly broad, unduly burdensome, and requests information neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Subject to and without waiving the above general and specific objections, EAI responds as follows: This information has been previously obtained by counsel for Complainants through the deposition of EAI witnesses.

Yet again, Entergy’s objections are illogical. One of the fundamental purposes of discovery is for the parties to discover “persons having knowledge of relevant facts.” 47 C.F.R. § 1.311(b). Moreover, the Commission’s discovery rules provides for discovery by way of various methods. Entergy does not get to arbitrarily chose ACTA’s method to discover the facts. Just because Entergy witnesses may have testified in deposition about limited organizational matters, does not mean that Complainants are not entitled to the organizational charts. In fact, an

organizational chart is more likely to accurately and comprehensively detail the information requested, saving precious deposition time.

II. ENTERGY'S REFUSAL TO PRODUCE DOCUMENTS OR INFORMATION RELATING TO ITS BPL INITIATIVE IS BUT ANOTHER INCIDENT IN A LONG STRING OF ON-GOING DISCOVERY ABUSES

Entergy has previously claimed that all relevant and responsive documents have been produced. Nonetheless, it is answer to Request No. 1 of ACTA's Second Set of Document Requests states:

Employee Brad Welch has been requested to furnish all documentation in his possession relating to Complainants. At the time Entergy was responding to Complainants' First Set of Interrogatories and Document Requests, Mr. Welch no longer held a position relating to the issues in this proceeding. Entergy believed that any relevant and responsive documents which Mr. Welch possessed in his previous position [as Joint Use Coordinator] had been transferred to the custody of his replacement. However, it appears that possession of various documents was retained by Mr. Welch. Additionally, at this time employees David Kelley and Lucinda Thompson have been requested to furnish additional documentation to counsel.

Entergy's response to Interrogatory No. 1 highlights the very issues that are now the subject of Complainant's Discovery Abuses Motion. While its useful that Entergy is conducting further investigation regarding any documents in its custody that should have been turned over, its "further investigation" is deficient. Entergy had numerous opportunities over the course of the last seven months to conduct multiple additional investigations. Complainants raised the sparseness of its production on several occasions. It wasn't until Complainants escalated its concern by filing the January 5, 2007 Discovery Abuses Motion that Entergy decided it was time to conduct additional investigations.

As is now clear from Entergy's concession, its initial sweep of documents was inadequate — a point that should be more fully explored at a hearing on Complainants' pending Discovery Abuses Motion. Entergy apparently has now admitted that it failed to take the most basic step: to inquire of its very own employees, who were intimately involved in the audit and inspection which lies at the very center of the dispute in this matter, if all documents responsive to Complainant's requests submitted more than seven (7) months ago had been collected. Yet Entergy has represented time and again that all responsive documents have been produced.

Moreover, in answering ACTA's second set of discovery requests, Entergy again apparently has failed to take a comprehensive approach to conducting its investigation: according to its verified responses, Mr. Darling, Entergy's in-house counsel, was the only person Entergy consulted in answering ACTA's discovery requests. This, of course, raises the question of whether Entergy also failed to consult other Entergy representatives, past and present, who have played at least some role in the issues in dispute from the most senior levels. The list is long and includes CEO Hugh McDonald, P. J. Martinez, Greg Grillo and Steve Strickland. It also includes Entergy "middle" management—individuals like Wayne Harrell and Michael Willems. It extends beyond Brad Welch and his successor (Carol Pennington), David Kelley and Lucindy Thompson and includes others such as Mike Glancy, Bernard Neumeier, Brad Vance, Misty Osborne and Rodney Caldwell—not to mention Entergy contractors other than USS that may have

performed work related to the disputed USS' inspections. No mention is made of these individuals or entities and whether or not there has been any effort to contact them in connection with Complainants' discovery requests. More significant, Entergy makes no mention of Entergy computers or other digital processing or storage devices, or those of its employees and contractors. This continues to be a critical area of inquiry.

III. CONCLUSION

For these reasons, Complainants respectfully requests that this motion be granted and that Entergy be ordered to provide answers to Interrogatories No. 2 and 3 and documents in response to Requests No. 4, 5, and 8. Complainants request, further, that the issues raised in this Motion can be addressed simultaneously by the Hearing Officer with the issues raised in Complainants January 5, 2007 Discovery Abuses Motion.

Respectfully submitted,

ARKANSAS CABLE
TELECOMMUNICATIONS ASSOCIATION;
COMCAST OF ARKANSAS, INC.; BUFORD
COMMUNICATIONS I, L.P. D/B/A
ALLIANCE COMMUNICATIONS NETWORK;
WEHCO VIDEO, INC.; COXCOM, INC.;
AND CEBRIDGE ACQUISITION, L.P., D/B/A
SUDDENLINK COMMUNICATIONS



J. D. Thomas
Paul A. Werner, III
Sharese M. Pryor
Dominic F. Perella

Hogan & Hartson L.L.P.
Columbia Square
555 Thirteenth Street, NW
Washington, DC 20004-1109
Telephone: (202) 637-5600
Facsimile: (202) 637-5910
jdthomas@hhlaw.com
pawerner@hhlaw.com
smpryor@hhlaw.com
dfperella@hhlaw.com

January 25, 2007

Its Attorneys

CERTIFICATE OF SERVICE

I, Shirley S. Fujimoto, hereby certify that on January 25, 2007, a copy of the foregoing COMPLAINANT ACTA'S MOTION TO COMPEL PRODUCTION OF DOCUMENTS AND ANSWERS TO INTERROGATORIES was hand-delivered, and/or placed in the United States mail, and/or sent via electronic mail, postage prepaid, to:

Marlene H. Dortch (*Orig. & 6 copies*)
Secretary
Federal Communications Commission
445 12th Street, S.W.
Room TW-A325
Washington, D.C. 20554

The Honorable Arthur I. Steinberg **
Administrative Law Judge
Office of the Administrative Law Judge
Federal Communications Commission
445 Twelfth Street, S. W.
Washington, D. C. 20554

Shirley S. Fujimoto, Esquire **
David D. Rines, Esquire
McDermott Will and Emery LLP
600 Thirteenth Street, N.W.
Washington, D.C. 20005

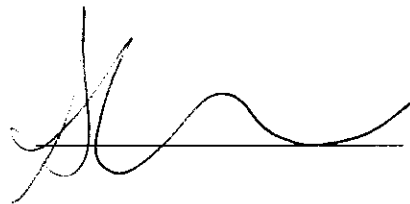
Wm. Webster Darling, Esquire (overnight delivery) **
Entergy Services, Inc.
425 W. Capitol Avenue
P.O. Box 551
Little Rock, Arkansas 72203

Gordon S. Rather, Jr. (overnight delivery) **
Stephen R. Lancaster (overnight delivery)**
Michelle M. Kaemmerling
Wright, Lindsey & Jennings LLP
200 West Capitol Avenue
Suite 2300
Little Rock, AR 72201-3699

Alex Starr**
Lisa Saks

Michael Engel
Federal Communications Commission
Enforcement Bureau
Market Disputes Division
445 Twelfth Street, S. W.
Washington, D. C. 20554

Best Copy and Printing, Inc.
Federal Communications Commission
Room CY-B402
445 12th Street, SW
Washington, D.C. 20554

A handwritten signature in black ink, appearing to be 'Michael Engel', written over a horizontal line.

* Served via U.S. Mail

** Also served via Electronic Mail

FILED/ACCEPTED
DEC 19 2006
FEDERAL BUREAU OF INVESTIGATION
U.S. DEPARTMENT OF JUSTICE

BEFORE THE
FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON, D.C. 20554

In the Matter of)	
)	
ARKANSAS CABLE)	
TELECOMMUNICATIONS)	EB Docket No. 06-53
ASSOCIATION; COMCAST OF)	
ARKANSAS, INC.; BUFORD)	
COMMUNICATIONS I, L.P. d/b/a)	
ALLIANCE COMMUNICATIONS)	EB-05-MD-004
NETWORK; WEHCO VIDEO, INC.;)	
COXCOM, INC.; and CEBRIDGE)	
ACQUISITION, L.P., d/b/a SUDDENLINK)	
COMMUNICATIONS,)	
)	
<i>Complainants,</i>)	
)	
v.)	
)	
ENTERGY ARKANSAS, INC.,)	
)	
<i>Respondent.</i>)	

**COMPLAINANT ARKANSAS CABLE TELECOMMUNICATIONS
ASSOCIATION'S SECOND SET OF INTERROGATORIES**

Arkansas Cable Telecommunications Association, by and through undersigned counsel, requests that Entergy Arkansas, Inc., answer the following Interrogatories separately, fully, in writing and under oath within thirty (30) days of service in accordance with the definitions and instructions set forth below.

DEFINITIONS AND INSTRUCTIONS

The following definitions and instructions apply to the interrogatories listed below:

1. "Complainants" means Arkansas Cable Telecommunications Association, Comcast of Arkansas, Inc., Buford Communications I, L.P. d/b/a Alliance Communications Network, WEHCO Video, Inc, CoxCom, Inc. and Cebridge Acquisition, L.P., d/b/a Suddenlink Communications.

2. "Entergy" or "EAP" or "Respondent" or "you" or "your" mean Entergy Arkansas, Inc. and its subsidiaries, affiliates and parent companies.

3. "Person" shall mean and refer to the plural as well as the singular of any natural individual, or any corporation, firm, partnership, business association, legal or governmental entity, or any other group.

4. "Identify," when used in reference to a natural person, means to set forth the person's: (a) full name; (b) present or last known business and residential address; (c) present or last known business and residential telephone numbers; (d) present or last known employer and position; and (e) employer and position at the time referred to or involved in the particular interrogatory.

5. "Identify," when used in reference to a person which is a business organization or other entity not a natural person, means to set forth: (a) the full name of such organization; (b) the address of such organization; (c) the form of such organization (e.g., corporation, partnership, joint venture); and (d) the state in which such organization was incorporated or under whose laws such organization was formed.

6. "Identify," when used in reference to a communication, means to: (a) state the date of such communication; (b) specify the place or places where such communication occurred; (c) identify each person who originated, received, or participated in such communication and each person who was present during such communication; (d) state the type of communication (e.g., letter, telegram, telephone conversation, interview, meeting); (e) identify any agent or representative of the Respondent who authorized or ordered such communication; (f) state the substance of such communication; and (g) identify each document embodying, relating to or referring to such communication.

7. "Identify," when used in reference to a document, means to set forth: (a) its date; (b) each author and any signatories; (c) the type of document (e.g., letter, memorandum, chart); (d) its title and number of pages; (e) its subject matter; (f) each addressee; (g) each recipient; (h) the substance thereof; (i) its custodian; (j) its present or last known location; and (k) if such document was, but is no longer in your possession or subject to your control, state the disposition which was made of it, the reason for such disposition and the date thereof, and identify each person that participated in or has knowledge of such disposition.

8. The connectives "and" and "or" shall be construed either disjunctively or conjunctively, as necessary, to bring within the scope of the interrogatories all responses that might otherwise be construed to be outside of its scope.

9. The singular shall include the plural and vice versa, as necessary, to bring within the scope of the interrogatories all responses that might otherwise be construed to be outside its scope.

10. The past tense shall include the present tense and vice versa, as necessary, to bring within the scope of the interrogatories all responses that might otherwise be construed to be outside its scope.

11. Interrogatories calling for numerical or chronological information shall be deemed, to the extent that precise figures or dates are not known by Entergy, to call for Entergy's estimates, if any exist. In each instance that an estimate is given, it should be identified as such and the source of Respondent's information underlying the estimate should be stated.

12. Whenever an interrogatory calls for information which is not available to Entergy in the form requested, but is available in another form or can be obtained at least in part from the other data in your possession, so state and either supply the information requested in the form in which it is available or supply the data from which the information requested can be obtained.

13. Each interrogatory should be construed independently and not by reference to any other interrogatory herein for purposes of limitation.

14. Whenever an interrogatory calls for information which is not presently known to Entergy to be factual but, upon information and belief, Entergy asserts a contention or assumption as to such fact, state such contention or assumption in lieu of fact, indicating the information and belief on which such

contention or assumption is based. Whenever a contention or assumption is stated in lieu of fact, indicate that a contention or assumption is being supplied in lieu of fact.

15. If any information requested in these interrogatories is withheld pursuant to a claim of any privilege, state the privilege claimed for each item of information, describe such information (including the identification of any applicable document(s)) in the most precise manner consistent with such claim of privilege and state the factual basis for the claim of privilege in sufficient detail so as to permit the court to adjudicate the validity of the claim.

16. If any information requested in an interrogatory is withheld pursuant to an objection, state the basis for the objection and answer each portion of the interrogatory to which the objection does not apply. Without limiting the generality of the foregoing, if any information requested in an interrogatory is withheld pursuant to an objection as to the period for which information is requested, state the basis for the objection and answer such interrogatory for that portion of the period to which the objection does not apply.

17. If Entergy cannot answer a given interrogatory in full, after exercising due diligence to secure the information to do so, so state; answer to the extent possible, specifying your inability to obtain the remainder of the information and stating whatever information or knowledge you have concerning the unanswered portions, including without limitation, a description of Entergy's continuing efforts, if any, to obtain or produce the information sought; identify the

persons engaged in that continuing effort; and state the date, if any, you expect to receive the additional information.

18. After answering these interrogatories, if further information called for in these interrogatories but not disclosed by prior answers to these interrogatories comes to Entergy's knowledge, Entergy is requested to promptly further supplement its answers to these interrogatories.

INTERROGATORIES

1. Please identify each person who assisted in the formulation of the answers to each interrogatory in this Second Set of Interrogatories. Please provide each person's name, address, and official position or relationship with the party to whom the interrogatories are directed.

ANSWER:

2. Please state whether EAI field inspectors had instructions to clear all violations on a pole or span as opposed to only addressing the plant conditions that the USS inspection specifically noted when EAI field inspectors were sent to field with EAI violations that USS had detected.

ANSWER: